

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**BILLITTERI v. SECURITIES AMERICA, INC.,
*et al. (Provident Royalties Litigation)***

**3:09-cv-01568-F
AND RELATED CASES**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

**C. RICHARD TOOMEY, *et al. v.*
SECURITIES AMERICA, INC., *et al.***

3:10-cv-01833-F

**IN RE: MEDICAL CAPITAL SECURITIES
LITIGATION**

**Case No. ML 10-2145 DOC
(RNBx) (C.D. Cal.)**

**THIS DOCUMENT RELATES TO:
McCOY, SACV09-1084 DOC (RNBx)
(C.D. Cal.).**

**Limited Transfer for
settlement purposes as
Case No. 3-11-cv-00191-F
(N.D. Tex.)**

**THE KRINGS INTERVENORS-OBJECTORS' MOTION TO STAY IN FAVOR OF
FINRA ARBITRATION, OR IN THE ALTERNATIVE, TO PERMIT EARLY OPT-OUT
UNDER RULE 23(c)(2), AND FOR AN ORDER COMPELLING ARBITRATION,**

NOW COME Glenn Krings, Dr. Lawrence Kruger, and Virginia Kruger (collectively, "Krings Intervenor-Objectors"), who are members of the putative classes in *Billitteri v. Securities America, Inc.*, Case No. 3:09-cv-01568-F (N.D. Tex.) ("*Billitteri*"), by and through their undersigned counsel and move the court to either stay *Billitteri*, or in the alternative, to permit early opt-out under Rule 23(c)(2) of the Federal Rules of Civil Procedure. The Krings Intervenor-Objectors also seek an order compelling Defendant Securities America to continue FINRA arbitrations with the intervenors regardless of whether the court stays *Billitteri* or permits early opt-out. The intervenors so move on the bases stated in their accompanying memorandum of law in support of this motion.

Dated: March 7, 2011.

/s/ Richard Lewins

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Attorneys for Krings Intervenors-Objectors

* *pro hac vice* motion pending

CERTIFICATE OF CONFERENCE

I am a senior attorney at the law firm of Sonn & Erez, PLC, counsel to Krings Intervenors-Objectors on this Motion To Stay and a member of this Court's bar. Complying with this Court's Local Rule 7.1, I have conferred with counsel for Defendants Securities America, Inc. and Securities America Financial Corporation, Nick Christakos, Esq. Defendants opposes this Motion. So does putative class plaintiffs' counsel, Dena Sharp, Esq.

Dated: March 7, 2011

/s/ Scott L. Adkins

Scott L. Adkins

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion was filed with the clerk for the U.S. District Court of the Northern District of Texas via the Court's Electronic Court Filing ("ECF") system this March 7, 2011. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Richard Lewins
Richard Lewins